

## Chapter 8-2 Streets and Sidewalks

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Adopted by Ordinance No. 4709. Derived from Ordinance Nos. 1734, 1864, 2195, 2948, 2977, 3077, 3474, 3979, 4129, 4279, 4335, and 1925 Code.

### 8-2-1 Legislative Intent.

The purpose of this chapter is to establish the responsibilities of the city and property owners for maintenance, construction in, and use of the public rights-of-way<sup>2</sup>.

2 See also Chapter 8-5, "Work in Public Right-of-Way and Easements," B.R.C. 1981.

### 8-2-2 Streets and Sidewalks.

The city manager may subdivide any of the streets or public highways of the city to roadways, gutters, parks, and sidewalks. The portion of the street between the gutter lines is designated as the roadway. The sidewalk is that part of the street, avenue, or parkway in the city that lies between the property line and the inner edge of the established curb line, located and designated by the city manager. The remaining portion, if any, of the street between the property line and the gutter line or outer edge of the drainage ditch shall be used for park purposes and shall be maintained and may be improved as such by the abutting property owner.

### 8-2-3 Datum Plane or Bench Mark.

The following point is established as the datum plane or bench mark from which are measured the grades of streets and the grades of sidewalks of the city: A concrete bench mark with a bronze cap located between the two front sidewalk entrances of the municipal building at 1777 Broadway, Boulder, Colorado 80302, whose elevation is five thousand three hundred forty-five and nine-tenths feet or sixteen hundred twenty-nine and four-tenths meters above sea level.

### 8-2-4 Removal of Landmarks Prohibited.

No person shall remove any stones, grade or line stakes, or other landmark placed by any person authorized to do so by the city manager.

### 8-2-5 Dangerous Places to Be Fenced.

(a) No owner of property adjacent to or surrounding any city right-of-way shall fail to enclose with fences or walls all holes, depressions, excavations, or other dangerous places that are below the natural or artificial grade of the adjacent right-of-way or to fill such holes in order to prevent damage to passersby.

(b) If the city manager finds that any hole, depression, excavation, or any other dangerous place exists on private property in the city, the manager may require that the owner or occupant of such property fence or fill the dangerous condition. The manager shall notify the property owner of the duty to fence or fill and that such person has thirty days from the date of the notice to complete such work. The manager may extend the time limit if weather would impede the work. Notice under this subsection is sufficient if it is mailed first class to the address of the last known owner of property on the records of the Boulder County Assessor.

(c) If a property owner fails to complete the work as required by the notice prescribed by subsection (b) of this section, the city manager may perform the work and charge the cost thereof to the property owner.

(d) If any person fails or refuses to pay when due any charge imposed under this section, the city manager may, in addition to taking other collection remedies, certify due and unpaid charges to the Boulder County Treasurer for collection as provided by Section 2-2-12, "City Manager May Certify Taxes, Charges, and Assessments to County Treasurer for Collection," B.R.C. 1981.

#### 8-2-6 Adjacent Owners' Duty to Maintain Sidewalks.

(a) No owner of property within the city shall fail to maintain the sidewalk on or adjacent to the owner's property in good repair and safe, unobstructed condition.

(b) If the city manager finds that any portion of a sidewalk does not meet the standards prescribed in Section 8-2-17, "When Sidewalks Are to Be Constructed or Reconstructed," B.R.C. 1981, the manager may require that the owner of the sidewalk or property adjacent to the sidewalk repair or replace the noncomplying portion to bring it into conformity with city standards.

(c) If the city manager determines to proceed under subsection (b) of this section, the manager shall notify the property owner of the duty to repair or replace, that such owner has thirty days from the date of the notice to commence such repair or replacement and has sixty days from the date of the notice to complete such repair or replacement, and that the city will share in the cost of the work as provided in subsection (e) of this section. The manager may include in the notice, as an alternative, an agreement whereby the city will make the repairs within twelve months, and the owner will pay to the city as its share of the costs as provided in subsection (e) of this section the amount specified in the agreement within thirty days of completion of the repairs, as determined by the manager. The manager may extend the time limit if weather would impede the work. Notice under this section is sufficient if it is mailed first class to the address of the last known owner of property on the records of the Boulder County Assessor, or hand delivered to an owner.

(d) If the property owner fails to commence or complete repair or replacement as required by the notice prescribed by subsection (c) of this section, or to sign and return to the city manager an agreement included in such notice as provided in subsection (c) of this section, the manager may perform the repair or replacement and charge the costs thereof, plus up to fifteen percent for administrative costs, to the property owner.

(e) With the prior agreement of the city manager, and subject to the availability of sufficient appropriated funds for the purpose, the city will share in the cost of the repair or replacement in an amount equal to fifty percent of the cost that the city would have incurred to perform the work.

(f) If any person fails or refuses to pay when due any charge imposed under this section, including any agreed charge, the city manager may, in addition to taking other collection remedies, certify due and unpaid charges to the Boulder County Treasurer for collection as provided by Section 2-2-12, "City Manager May Certify Taxes, Charge, or Assessments to County Treasurer for Collection," B.R.C. 1981.

Ordinance No. 5660 (1994).

#### 8-2-7 Duty to Maintain Ditches, Drainage Ponds, and Streets.

No person, other than the city, who owns a ditch, drainage pond, or street shall fail to maintain it in good repair and in a safe and unobstructed condition.

#### 8-2-8 Discharging Water Prohibited.

(a) No owner, lessee, or occupant of property shall cause or permit water to flow upon any sidewalk, street, alley, or other public right-of-way:

(1) So as to impair the use of such place;

(2) When the weather is such that the water may be frozen into ice;

(3) Where the drainage is such that it may create a hazard to persons or property; or

(4) Where it may cause damage to any public property or facility.

(b) If the city manager finds that any person has caused or permitted water to flow upon any such public grounds in violation of this section, the manager may require that such person correct the violation.

(c) The city manager shall notify such person of the duty to correct the violation and that such owner has a specified time to complete such correction, established by the manager according to the severity of the violation, the hazard to public health, safety, or welfare, and the time reasonably necessary to correct the violation. Notice under this subsection is sufficient if it is either personally delivered to such person or, if the person is the owner of property from which the water is discharged, deposited in first class mail addressed to the last known owner of such property in the records of the Boulder County Assessor.

(d) If any person so notified fails to correct the violation, the city manager may perform the work and charge the costs thereof to the person.

(e) If any person fails or refuses to pay when due any charge imposed under this section, the city manager may, in addition to taking other collection remedies, certify due and unpaid charges to the Boulder County Treasurer for collection as provided by Section 2-2-12, "City Manager May Certify Taxes, Charges, or Assessments to County Treasurer for Collection," B.R.C. 1981.

#### 8-2-9 Bridges over Ditches and Drains.

(a) No person owning or excavating any ditch or drain across any public street, sidewalk, or alley shall fail to construct a temporary bridge over such ditch or drain of a width determined by the city manager to be necessary for public safety and convenience during the excavation.

(b) No person owning or excavating any ditch or drain across any public street, sidewalk, or alley shall fail, within five days of completing such excavation, to construct a permanent bridge over such ditch or drain of a width conforming to the city's capital improvements plan for streets.

(c) No person owning such a bridge shall fail to maintain it in good repair.

#### 8-2-10 Deposit of Dirt and Material on Streets and Alleys Prohibited.

(a) No person shall litter, track, deposit, or cause to be littered, tracked, or deposited, sand, gravel, rocks, mud, dirt, or any other debris or material, except snow, upon any street or alley or any portion thereof.

(b) No person owning or operating trucks and other vehicles shall fail to clean such vehicles to eliminate their tracking or depositing, sand, gravel, rocks, mud, dirt, or any other debris or material, except snow, upon any street or alley or any portion thereof.

(c) No person shall plow, shovel, or otherwise deposit or cause to be deposited any snow upon any street or alley or any

portion thereof. It is a specific defense to a charge of violating this subsection that the snow was shoveled or swept directly from a sidewalk in front of a residence in a Residential Zone, and that the snow so deposited did not impair the use of the street by vehicular traffic. The provisions of this subsection do not apply to persons brushing off snow which has accumulated naturally upon a motor vehicle parked on or driven upon a street or alley.

(d) If the city manager finds that any person has violated the provisions of subsection (a), (b), or (c) of this section, the manager may notify the person or an employer of such person of the duty to remove any sand, gravel, rocks, mud, dirt, snow, or any other debris or material so deposited within twenty-four hours from the date of the notice. Notice under this subsection is sufficient if hand delivered to the person or an employer of such person. No such notice shall be required if the city manager determines that an emergency exists.

(e) If the person so notified fails to remove the debris as required by the notice prescribed by subsection (d) of this section, or if the city manager determines that an emergency exists, the city manager may remove the debris or cause it to be removed and charge the costs thereof to the person violating the provisions of this section.

(f) If any person fails or refuses to pay when due any charge imposed under this section, the city manager may, in addition to taking other collection remedies, certify due and unpaid charges to the Boulder County Treasurer for collection as provided by Section 2-2-12, "City Manager May Certify Taxes, Charges, or Assessments to County Treasurer for Collection," B.R.C. 1981.

(g) No person shall fail or refuse to comply with the notice of the city manager prescribed by subsection (d) of this section.

(h) Each day any sand, gravel, rocks, mud, dirt, snow, or any other debris or material are present upon any street or alley or portion thereof constitutes a separate offense.

Ordinance No. 4895 (1985).

#### 8-2-11 Duty to Maintain Walkway Around Obstructed Portions of Sidewalk.

Whenever in the construction, rebuilding, or repairing of any building or structure it is necessary to blockade, obstruct, or remove the adjacent sidewalk, no person in charge of such work shall fail to build and maintain a sound and substantial walkway meeting the requirements of the City of Boulder Department of Public Works, "Work Area Traffic Control and Safety Handbook," July 1980, around the obstructed portion of such sidewalk.

#### 8-2-12 Street and Gutter Obstructions Prohibited.

Repealed.

Ordinance No. 7224 (2002).

#### 8-2-13 Duty to Keep Sidewalks Clear of Snow.

(a) No private owner, agent appointed pursuant to Section 10-3-14, "Local Agent Required," B.R.C. 1981, or manager of any property, lessee leasing the entire premises, or adult occupant of a single family dwelling, a duplex, a triplex, or a four-plex shall fail to keep all public sidewalks and walkways abutting the premises such person owns, leases, or occupies clear of snow, ice, and sleet, as provided in this section. Such persons are jointly and severally liable for such responsibility, criminally and administratively. Such persons shall remove any accumulation after any snowfall or snowdrift as promptly as reasonably possible and no later than 12:00 noon of the day following the snowfall or snowdrift. Such persons shall remove the snow from the full width of all sidewalks and walkways, except those with a width exceeding five feet, which must be cleared to a width of at least five feet.

(b) If the city manager finds that any portion of a sidewalk or walkway has not been cleared of snow as required by subsection (a) of this section and that a hazardous condition exists, the manager shall notify the owner, agent appointed pursuant to Section 10-3-14, "Local Agent Required," B.R.C. 1981, or manager of any property, the lessee leasing the entire premises, or any adult occupant of a single family dwelling, a duplex, a triplex, or a four-plex that such person must remove the snow within the time limits prescribed by subsection (a) of this section. Notice under this subsection is sufficient if hand delivered or telephoned to such person, or, if reasonable efforts to give notice by hand delivery at the premises and by telephone to all such persons fail, by posting on the premises .

(c) If the person so notified fails to remove the snow as required by the notice prescribed by subsection (b) of this section, the city manager may cause the snow removal to meet the requirements of this section and charge the costs thereof, plus an additional amount up to \$25.00 for administrative costs, to the person so notified and the owner, jointly and severally. If the owner or the owner's agent was not previously notified pursuant to subsection (b), the manager shall so notify the owner by certified or first class mail of this charge and the circumstances surrounding it at this time, and such an owner shall be entitled to a hearing pursuant to Chapter 1-3, "Quasi-Judicial Hearings," B.R.C. 1981, to contest such charges. Lack of previous notice shall not be a defense in such a hearing.

(d) If any person fails or refuses to pay when due any charge imposed under this section, the city manager may, in addition to taking other collection remedies, certify due and unpaid charges to the Boulder County Treasurer for collection as provided by Section 2-2-12, "City Manager May Certify Taxes, Charges, or Assessments to County Treasurer for Collection," B.R.C. 1981.

Ordinance No. 5660 (1994).

#### 8-2-14 Vaults and Cellars to be Covered.

(a) No person shall dig or cause to be dug a vault in any street, alley, or sidewalk in the city, except under the terms of a permit or lease issued under Chapter 8-6, "Public Right-of-Way and Easement Encroachments, Revocable Permits, Leases, and Vacations," B.R.C. 1981.

(b) No person shall keep or leave open or cause to be left or kept open any cellar door, grating, or other covering of any vault or cellar in or along any street, sidewalk, or alley in the city or fail to maintain any such door, grating, or other covering.

#### 8-2-15 Location of Pipes and Conduits.

No person shall excavate for or lay any water, gas, or sewer pipe, except service connections to abutting properties, or any wire, cable, or conduits in or upon any street, alley, or public highway of the city, except upon a line or in a place located and designated by the city manager.

#### 8-2-16 Attaching Devices to Public Property Prohibited.

No person shall attach any object to any city property or locate any object on city property in such a manner as to damage the city property, obstruct public right-of-way, or interfere with the function of the city property.

#### 8-2-17 When Sidewalks are to Be Constructed or Reconstructed.

(a) Sidewalks shall be constructed in any area of the city where:

(1) Sidewalks are necessary to provide adequate and safe routes for school children to and from their dwellings and to and from educational facilities;

- (2) Pedestrian traffic is not adequately accommodated by existing sidewalks;
  - (3) No sidewalks are in existence; or
  - (4) The health, welfare, and safety of the public require that adequate sidewalks be provided for the public convenience.
- (b) Any existing sidewalks, or portions thereof, shall be reconstructed or replaced:
- (1) Where any vertical displacement of the adjoining sidewalk section exceeds three-quarters of an inch;
  - (2) Where any lateral displacement of adjoining sidewalk exceeds one inch;
  - (3) Where the surface condition of the sidewalk has deteriorated, cracked, settled, or chipped, so as to create or constitute a hazard or unsafe condition to the public;
  - (4) Where the transverse slope of the sidewalk exceeds one inch per foot or in which the combination of transverse or longitudinal grade is insufficient for adequate drainage of the sidewalk.
  - (5) Where the sidewalk is less than four feet wide in any residential zoning district in the city and less than six feet wide in any business or industrial zoning district in the city, if the sidewalk or any portion thereof constitutes a hazard to pedestrian safety; or
  - (6) Where there is not at least a five-foot transition in the direction of the sidewalk on any sidewalk adjacent to a driveway.
- (c) If any existing sidewalk consists of sandstone and the abutting property owner requests that it be retained, the city manager shall retain such sandstone sidewalk if the stones or slabs are at least two inches thick; are set in a base of concrete not less than four inches or compacted subgrade not less than six inches thick; have all sections grouted to the base to provide a uniform surface grade throughout all portions of the sidewalk; have no longitudinal joints; and are at least four feet by two feet in size. Only a concrete base is allowed over a curb cut or at driveways.

#### 8-2-18 Permit for Sidewalk Construction Required.

- (a) No person other than a contractor in the right-of-way licensed under Chapter 4-6, "Contractor in Public Right-of-Way," B.R.C. 1981, shall construct, reconstruct, repair, or replace any sidewalk, curb, gutter, curbside, or any portion thereof.
- (b) Notwithstanding the provisions of subsection (a) of this section, an owner-occupant of property may perform work on the sidewalk behind the curb if such owner first obtains from the city manager a permit to do so under this subsection.
- (1) An applicant for a sidewalk construction permit shall apply therefor on forms furnished by the city manager that contain the name of the owner of the property abutting the sidewalk, a description of the lot or parcel of ground in front of which the construction is to be performed, and a statement that the construction will be performed in accordance with the requirements of this code and the plans, specifications, and grades approved by the city.
- (2) The applicant shall deposit with the city an amount sufficient to pay the city for its engineering, testing, and inspection costs.

(3)The applicant shall also deposit into an escrow with the city funds sufficient to cover the cost of the work to restore the sidewalk to its original condition, which will be refunded to the applicant after the work is completed and the city has accepted it.

#### 8-2-19 Sidewalk Construction on Corner Lots.

All sidewalks constructed abutting corner lots shall be continued to the point of connection with street crossings and shall contain handicapped ramps or smooth transitions to the street crossing grade.

#### 8-2-20 Material and Specifications for Sidewalk, Curb, and Gutter.

All sidewalks, curbs, and gutters ordered to be constructed, reconstructed, repaired or replaced shall be composed of either stone, brick, or cement and shall be constructed, rebuilt, repaired, or replaced according to the City of Boulder Design and Construction Standards.

Ordinance No. 5986 (1998)

#### 8-2-21 Grade of Sidewalks, Curbs, and Gutters, Inspection, and Approval.

(a)All sidewalks, curbs, and gutters that are constructed, rebuilt, repaired, or replaced shall be laid to the grade established on the plans submitted to the city manager and approved by the manager.

(b)When any sidewalk, curb, or gutter is constructed, rebuilt, replaced, or repaired, the person performing such work shall apply to the city manager to inspect it. If upon inspection the manager finds that such work meets city specifications, the manager shall approve and accept the work.

#### 8-2-22 Sidewalk Required Prior to Issuance of Building Permit.

(a)Any person who applies for a building permit or permits for a new building or structure or for an addition, alteration, or repair whose cost within any twenty-four-month period exceeds twenty-five percent of the value of the existing building or structure, regardless of the zone, on a lot where sidewalks meeting the requirements of this chapter do not exist, shall submit plans to construct sidewalks, indicating the location of the sidewalk as it extends along the length of the applicant's property.

(b)For purposes of this section, the city manager shall determine the value of the existing building or structure based upon the current data and information available to the manager.

(c)The manager shall determine whether the sidewalk plans meet the standards for sidewalks of this chapter.

(d)Sidewalks shall be constructed in accordance with the plans as finally approved by the city manager and before the occupation of the building.

(e)The applicant for the building permit shall agree in writing that before or after the construction of the sidewalk the applicant will grant to the city an easement for use by the public as a right-of-way for sidewalk purposes of the area in which the sidewalk lies, if such area is not already in the public right-of-way.

(f)Notwithstanding any other provisions of this section, a building permit may be issued when a plot plan is submitted indicating the location and alignment of the sidewalk along the length of the applicant's property but before construction plans are submitted or a sidewalk is constructed if:

(1)The land being built upon fronts on a street that is not improved to acceptable city standards and the applicant signs an agreement, satisfactory to the city attorney, to construct the sidewalk whenever the city manager determines that it is needed by the area residents and the general public, considering the improvement of the street fronting the land and the existence of sidewalks or portions of sidewalks on the property and the area adjacent to the land and the property in the vicinity of the land;or

(2)The city manager determines that the construction of sidewalks is not immediately necessary to protect area residents for the public safety and the applicant signs an agreement and covenant running with the land, satisfactory to the city attorney, to construct the sidewalk when the city manager determines, based on the density of population of the immediate area, the neighborhood needs, the condition of the sidewalk fronting the land, and the existence of sidewalks or portions of sidewalks on the property in the area adjacent to the land and the property in the vicinity of the land, that the needs of area residents and the general public require sidewalk construction.

(3)The applicant under either paragraph (1) or (2) of this subsection shall, before a building permit is issued, grant to the city an easement for the right-of-way of the sidewalk to be constructed at a later time. The easement shall provide for immediate use of the easement area before sidewalk construction by the public as a right-of-way for sidewalk purposes.

#### 8-2-23 Alley Paving Required Prior to Issuance of Building Permit.

(a)Whenever any person applies for a building permit or permits for a new building or structure adjoining an unpaved alley or for an addition, alteration, repair, or replacement whose cost within any twenty-four-month period exceeds twenty-five percent of the value of the existing building or structure:

(1)The applicant in a business, industrial, or high density residential zoning district shall submit plans for the paving of any alley adjoining the property and shall agree to pave such alley in conformity with the requirements of the City of Boulder Design and Construction Standards; or

(2)The applicant in a medium density residential zoning district shall agree to pave the alley abutting the property when the city manager determines, based on the density of use of the alley, the needs of the neighborhood, and the particular problems of dirt, dust, and potholes, that the needs of the area residents and the general public require the alley to be paved.

(b)For purposes of this section, the city manager shall determine the value of the existing building or structure based upon current data and information.

(c)Upon the determination that the plans for alley paving required by paragraph (a)(1) of this section meet the requirements of this code, the city manager shall approve the plans.

(d)Alleys shall be paved according to the plans approved by the city manager and shall be completed before the occupation of the building.

Ordinance No. 5986 (1998).

#### 8-2-24 Transportation Excise Tax.

Repealed.

Ordinance Nos. 5216 (1989); 6039 (1998).



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